

12.715 PROPERTY AND EVIDENCE: ACCOUNTABILITY, PROCESSING, STORAGE, AND RELEASE

Reference:

Procedure 12.615 - Deceased Persons/Prisoners
 Procedure 12.705 - Property Confiscation
 Procedure 12.720 - Evidence: Submitting for Physical Analysis
 Procedure 12.725 - Blood Drying Facility: Processing of Evidence Exposed to Bloodborne Pathogens
 Standards Manual - 46.1.3, 55.2.4, 61.2.3, 74.4.1 , 83.1.2, 83.3.1, 84.1.1, 84.1.2, 84.1.3, 84.1.5, 84.1.7

Information:

Police Department personnel are responsible for the inventory of all property that comes into their custody and also for the inventory of all property when turned over to another source. Inventory of property is necessary through the entire transaction process unless the property is in a Police Department evidence envelope or bag, and is properly sealed with Police Department evidence tape.

Procedure:

A. Non-personal Property

1. When property other than personal property found on prisoners or property submitted for analysis comes into the custody of Department personnel or Cincinnati Private Police officers (items to be processed at district of detail assignment), they will:
 - a. Prepare the property for the Court Property Unit.
 - b. Complete a Form 330, Property Receipt.
 - 1) All Forms 330 pertaining to one arrest or case will have the same officer listed as the primary officer.
 - 2) A copy of Form 330 is to be issued to the subject from whom the Department confiscated the non-personal property.

- c. Enter the property in the district/section/unit property book.
 - d. Put the property in the property locker, along with the property locker key.
 - e. The district/section/unit commander will maintain control of the master key for the property lockers. The master key is required to reopen the lockers once they are locked.
2. A unit/shift supervisor will review all Forms 330 for accuracy and place his name and badge number in the block provided.
- a. Send all copies of the Form 330 with the property to the Court Property Unit by 0830 hours, Monday through Friday.
3. Court Property Unit personnel will:
- a. Inspect the property for correct packaging and completeness of tags and receipts.
 - 1) Property incorrectly prepared and tagged will not be accepted.
 - b. Date and initial Form 330, assign the location number, and put the property number on each copy.
 - 1) White copy of Form 330 is filed at Court Property Unit.
 - 2) Yellow copy of Form 330 is given to delivering officer for filing in the unit.
 - a) A supervisor designated by the district/section/unit commander will be sure the location and property numbers are entered in the district/section/unit property book.
 - c. Enter all submitted property into the Automated Control of Evidence (ACE System) computer database. A bar code identifier is generated and assigned to each individual item.

4. To avoid recalling personnel after normal business hours, submit the property to the safe located in the lobby of the Criminal Investigation Section (CIS), 824 Broadway, 5th floor. The safe has a night deposit drum.
 - a. Submit items, currency, and drugs valued at \$1,000 or more. Hold all other items in the district or unit property facility for submission to the Court Property Unit on the next business day.
 - 1) General Vice Enforcement Unit and Street Corner Unit may retain \$5,000 or less in currency in their safes.
 - 2) General Vice Enforcement Unit and Street Corner Unit may retain drugs in their safes if the quantity can be placed there in its entirety. Drug evidence too bulky for such placement will be taken directly to the Court Property Unit in accordance with established procedures.
 - 3) Recall Court Property Unit personnel, with approval of a captain or above, if the property is valued at more than the above value and/or cannot be stored as indicated above.
 - b. Officers must record property in the district or unit property book before delivery to CIS.
 - c. Evidence, including packaging, must be smaller than 14" x 5" x 4".
 - d. Submit evidence properly packaged and sealed with evidence tape.
 - e. Attach properly completed property receipts and tags.
 - f. Officers will report to the CIS desk officer who will unlock the night deposit bin.
 - g. Officers must sign the property log maintained by the CIS desk officer.

- h. Court Property Unit personnel will pick up items from the safe at the beginning of each business day. Two members of the Court Property Unit will check and audit the items. Discrepancies will be brought to the attention of the district or unit supervisor and the Evidence/Property Management Section Commander.

B. Personal Property Found on Prisoners

- 1. Property found on prisoners but not needed for court will accompany those prisoners transported directly to the Hamilton County Justice Center or Juvenile Detention and removed there.

C. Coroner's Cases

- 1. The following personal property accompanying bodies to the Hamilton County Coroner's Office will be retained by the coroner: clothes, billfold, money, jewelry, medicine bottles, etc., as required in Procedure 12.615. The morgue attendant will issue a receipt to the delivering officer for inclusion in the unit's file.
- 2. Process other property not accompanying the body to the morgue through the appropriate unit property book. Mark the Form 330 "Hold for Coroner."
 - a. Deliver property processed through units other than CIS to the Court Property Unit.
 - b. Property requiring special handling by Homicide Unit personnel will be processed by the Criminalistics Squad, as permitted in Procedure 12.615, and may be taken directly to the Coroner's Office or processed at CIS pending delivery.
 - 1) The officer delivering evidence to the Coroner's Office completes a Form 330, accompanied by a Property Location Card signed by the officer.
 - 2) Process all copies of Form 330 through the Court Property Unit by the next business day.

- c. The Homicide Unit is responsible for delivery of all property held for the Coroner's Office. The Court Property Unit is responsible for the return of all property to the Court Property Unit when ready for release to the Police Department.
- 3. The Coroner's Office will return the following property:
 - a. Homicide cases - All property determined to be evidence, including the fatal weapon.
 - 1) Motor vehicles will be evaluated individually.
 - 2) The decision to retain or return is made by the Coroner's Office.
 - b. Questionable deaths later determined not to be a homicide - Property related to the death, but not the property of the deceased.
 - c. Suicide cases - Property related to the suicide.
- D. Air-Dried Property
 - 1. Contact a Homicide Unit supervisor for further instructions as directed in Procedure 12.725. If a Homicide unit supervisor is not available, contact a Homicide Unit investigator or CIS supervisor.
- E. Release of Property at Recovering Unit
 - 1. The claimant will sign a Form 330 for any property released by the recovering unit.
 - a. The recovering unit will file all three copies.
- F. Release of Property at the Court Property Unit
 - 1. Court Property Unit personnel will release property according to their standard operating procedure (SOP). Personnel will be sure they release property to the rightful owner and obtain a signature on the ACE System's Property Withdrawal Receipt.

- a. A Cincinnati police officer or private police officer may not check out property to deliver it to its rightful owner.
2. A Department employee or private police officer removing property from the Court Property Unit for court, identification purposes, test firing, etc., must complete and sign an ACE System Property Withdrawal Receipt provided by the clerk. The Department employee or private police officer is responsible for the return of the property to the Court Property Unit. The clerk will verify the identity of the individual by checking his police identification card, through personal knowledge, or by having his identity established by other personnel known to the clerk.
3. Property is normally returned to the Court Property Unit clerk on the same day it is checked out. It is the responsibility of the person returning the property to ensure the ACE System Property Withdrawal Receipt is appropriately marked indicating the return of the property.
 - a. Mark property tags and envelopes when returning property to indicate whether there is further need for its use.
4. When unable to return property on the day it is checked out, the officer must notify the clerk of the circumstances on the next business day.
 - a. Officers unable to return property on the same day will return it to their unit's property room and log it into the unit property book.
 - b. Private police officers unable to return property on the same day will return it to District One.
5. The clerk will review the file for property not returned each day. The clerk will initiate an inquiry into the status of all property not returned within two days.

6. If the court directs the release of property, direct the person to retrieve the property at the Court Property Unit. The arresting officer will not release the property directly to any person in the courtroom.
 - a. Police officers will not request the court to release any property for their personal use.
 7. Hamilton County Juvenile Court will retain custody of property entered into evidence in all juvenile cases.
 - a. Police Officers will obtain the prosecutor's signature, printed name, and date in the "Turned Over to Court" section of the ACE System's Property Withdrawal Receipt.
 - b. The officer will return the completed receipt to the Court Property Unit.
 8. Property retained at the Hamilton County Grand Jury property room shall follow same procedure as above, Sections 7. a. and b.
- G. Property Requiring Special Processing
1. Money or jewelry in excess of \$100
 - a. The amount of money or jewelry must be verified by a supervisor in the presence of the recovering officer.
 - b. A supervisor will verify the contents of the property envelope, placing his signature in the space provided on the envelope.
 - 1) Photograph (Polaroid) all jewelry that comes into Department possession. The recovering officer will place the photograph inside the property envelope.
 - c. A supervisor will ensure the property is properly marked and entered in the property book. The supervisor will sign the property receipt.

- d. The property will then be placed in the property locker, along with the property locker key.

2. Controlled substances

- a. A controlled substance is any drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V. Any drug requiring a prescription for dispensation is also a controlled substance.
- b. A supervisor will verify the weight of the drug or substance, the weight recorded on the Form 330, and the weight listed on the property envelope. The supervisor will conduct the verification in the presence of the recovering officer.
- c. A supervisor will ensure the property is properly marked and entered in the property book. The supervisor will sign the property receipt.
- d. The property will then be placed in the property locker, along with the property locker key.

3. The presence of a supervisor is required when any property listed in Sections G.1. and G.2. is placed in or removed from a unit property room. Remain until the transaction is completed.

4. Potentially hazardous materials

- a. Potentially hazardous material is any property possibly contaminated by blood or other body fluids.
- b. Place biohazard warning labels on all property possibly contaminated by blood or other body fluids. Ensure the label is plainly visible to other personnel handling the property.
- c. Use a syringe transport container to package any needle coming under police control. Place a biohazard warning label on the container.

- d. The property will then be placed in the property locker, along with the property locker key.

H. Perishable Property Requiring Refrigeration

1. Store in the refrigerator located at the Court Property Unit.
 - a. When the Court Property Unit is closed, use the CIS refrigerator.
 - 1) Complete a Form 330 and mark "Held at CIS".
 - 2) Mark the unit property book at the originating unit "Held at CIS".
 - 3) Deliver the property and all copies of Form 330 to CIS desk personnel.
 - 4) CIS desk personnel will receive the property and make an entry in the CIS refrigerator property book.
 - 5) CIS desk personnel will sign and date the reverse side of all copies of Form 330.
 - b. Court Property Unit personnel will pick up the property from CIS each weekday morning and transfer it to the refrigerator in the Court Property Unit. The transferring officer will note the transaction by making an entry in the CIS refrigerator property book.
 - 1) The Court Property Unit will assign a property number on the Form 330. The delivering officer will take the yellow copy of the Form 330 to his unit of assignment.
 - 2) The Court Property Unit retains the white copy for their files.

I. Storing Gasoline Powered Vehicles

1. Take mopeds, power lawn mowers, or other gasoline powered objects to the Impound Unit for storage.
 - a. Report mopeds on a Form 301, Incident Report.

- b. Report power lawn mowers or any items other than vehicles using gasoline on a Form 330 along with the white Form 64, Property Tag or the yellow Form 327, Court Tag.

J. Storing of Flammable Liquids, Fireworks, etc.

1. Flammable liquids such as gasoline, kerosene, fuel oil, or similar substances capable of ignition, burning with extreme rapidity, capable of creating an explosion, or suspected of having such characteristics are kept in a locked outdoor storage facility under the control of the Impound Unit.
2. Summon a supervisor if there is any doubt about the safe transportation of the above substances to the Impound Unit. If necessary, call the Fire Department to assist in the safe transportation of volatile substances.
 - a. After normal business hours, contact a captain or above for authorization to recall Impound Unit personnel.
3. If the flammable liquid requires analysis:
 - a. Obtain a suitable specimen container from the Impound Unit. Transfer liquid to the container, properly seal, and identify with recovering officer's name and badge number.
 - b. The specimen, along with the Evidence Submission Sheet completed by the recovering officer, will be picked up from the Impound Unit by Court Property Unit personnel. The Court Property Unit will have the specimen analyzed according to Procedure 12.720. After analysis, return the specimen container to the Impound Unit storage facility.
4. Form 330, Property Receipt
 - a. The Impound Unit will forward the Form 330 to the Court Property Unit if no analysis is requested.

b. Upon completion of the processing, Court Property Unit will distribute the copies as follows:

- 1) Yellow copy to the commander of the district/section/unit.
- 2) White copy retained at the Court Property Unit.

5. Contact the Fire Department's Fire Prevention Bureau, Fifth and Central Avenues, whenever high powered explosives are encountered.

K. Identifiable Property

1. The recovering officer will initiate a computer check on all identifiable property bearing a serial or model number, manufacturer's name, etc.
2. The recovering officer will indicate completing a computer check and necessary follow-up by listing the checking officer's name and badge number in the lower right-hand portion of the Form 330.
3. If recovered property is a result of a computer query:
 - a. Cincinnati Police Department Entries - Note the facts on a Form 311, Incident Closure Report, and route to Records Section for cancellation of the computer entry.
 - b. Other agencies' entries - Notify the CIN-1 operator at Police Communications Section (PCS) and provide the recovery data. The CIN-1 operator will teletype the information to the originating agency for their removal from the computer file.
4. If the property is not identifiable, note "NA" in the lower right-hand portion of the Form 330, along with the officer's name and badge number.
5. To ensure proper processing and identification of firearms, refer to Procedure 12.705.

L. Form 330, Property Receipt

1. When forwarding articles such as guns, TVs, CB radios, bicycles, lawn mowers, watches, or any other items which have an identifiable serial number to the Court Property Unit, the forwarding unit should include the following information on the Form 330:
 - a. Type of item
 - b. Brand name
 - c. Serial number
 - d. Model number
 - e. Color
 - f. Characteristics which would aid in identification of the item
 - g. Name and badge number of processing officer checking computer files

M. Safes, Bicycles, and Large Evidence

1. Take the property directly to the Court Property Unit during normal business hours.

N. Fraudulent Checks

1. Fraudulent checks are maintained in case jackets, in a secured location, by the assigned Financial Crimes Squad investigators or district investigator and are not delivered to the Court Property Unit.
2. Enter checks received into the Check Complaint Book maintained in the Financial Crimes Squad office. Entries will consist of the:
 - a. Complainant's name and address.
 - b. Suspect's name.
 - c. Charge.
 - d. Assigned investigator.
 - e. Amount of the check.

f. Date received.

3. Checks remain a part of the file and will not be disposed of after the court disposition.

O. Fraudulent Prescriptions

1. Fraudulent prescriptions are maintained in case jackets, in a secured location, by the assigned Pharmaceutical Diversion Unit investigators and are not delivered to the Court Property Unit.
2. Provide pharmacies with a Form 328, Prescription Receipt Form, (pharmacy - top copy, case jacket - bottom copy) for prescriptions kept as evidence.
3. Prescriptions remain a part of the file and are not disposed of after the court action.

P. Status of Property Items

1. When the status of property is questionable, the Court Property Unit clerk will initiate a Form 676, Status of Evidence and Property. The clerk will complete the top portion (Part I) and forward the Form 676 to the primary officer's unit commander.
2. The unit commander will ensure the affected officer completes Part II of the form and returns it to the Court Property Unit.